

ORDINANCE 2016-35

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, VACATING AN ALLEY BETWEEN 351 AND 401 E. PIERCE STREET WITHIN THE TOWN OF WHITESTOWN

WHEREAS, the Town Council (“Council”) of the Town of Whitestown (“Town”), Indiana, has received a petition (“Petition”), pursuant to Ind. Code § 36-7-3-12, requesting that the Town abandon and vacate an alley within the corporate limits of the Town located between 351 and 401 E. Pierce Street (“Vacation”); and

WHEREAS, Ind. Code § 36-7-3-12(c) requires that the Town Council hold a hearing on the Petition; and

WHEREAS, the Town has provided notice of the Petition and the time and place of the hearing pursuant to Ind. Code § 36-7-3-12(c); and

WHEREAS, the Town Council convened a public hearing on the Petition and Vacation on _____, 2016, where any person aggrieved by the proposed Vacation was permitted to object; and

WHEREAS, a copy of the Petition is attached hereto and incorporated herein as Exhibit A, and a survey containing a legal description and map of the Vacation Area is attached hereto and incorporated herein as Exhibit B.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

1. The above recitals are incorporated herein by this reference as though fully set forth herein.
2. Having considered the Petition and all other evidence and testimony received at the public hearing, the Town Council hereby makes the following affirmative findings with regard to the Petition:
 - a. The Vacation will not hinder the growth or orderly development of the Town or neighborhood in which the vacated area is located or to which it is contiguous;
 - b. The Vacation will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient;
 - c. The Vacation will not hinder the public’s access to a church, school, or other public building or place;
 - d. The Vacation will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and
 - f. The Vacation is of public utility and benefit.

3. Pursuant to Ind. Code § 36-7-3-12, the Town Council, by Ordinance, hereby grants the Petition attached as Exhibit A and vacates the area described and depicted in the attached Exhibit B.
4. This Ordinance shall take effect immediately upon its adoption; provided, however, that the Vacation shall be effective (a) thirty (30) days from the date of adoption of the Ordinance if no appeal is filed pursuant to Ind. Code § 36-7-3-13 during said thirty (30) days (“Appeal”), or (b) upon final resolution of any timely Appeal.
5. The Clerk-Treasurer shall furnish a copy of this Ordinance to the County Recorder for recording and to the County Auditor.

Adopted by the Town Council of the Town of Whitestown, Indiana, on _____, 2016.

THE TOWN COUNCIL OF THE TOWN
OF WHITESTOWN, INDIANA

Eric Miller, President

Susan Austin, Vice-President

Kevin Russell

Clinton Bohm

Jeffrey Wishek

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana
3047729